

Plaintiff has not previously amended or moved to amend. He states that the proposed Amended Complaint is “generally based on the same factual allegations as the initial Complaint, but seeks to add some additional theories for relief, namely: 1) a claim for breach of contract, 2) a Declaratory Judgment claim, and 3) a North Carolina Wage and Hour Act claim. The Proposed Amended Complaint also drops the original unjust enrichment claim and significantly revises the fraud claim based on facts learned thus far in discovery.” (Doc. No. 14 at 3). For those reasons as well as the other reasons stated therein, his “Motion for Leave to Amend” (Doc. No. 13) is granted.

It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

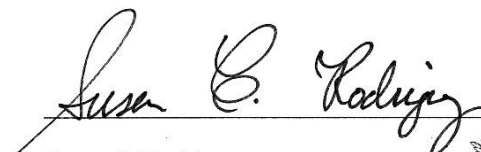
The Court makes no determination as to the merits of any of Plaintiff’s claims and all objections and defenses raised by Defendants in their Motion to Dismiss are preserved.

IT IS THEREFORE ORDERED that:

1. “Plaintiff’s Motion for Leave to File an Amended Complaint” (Doc. No. 13) is **GRANTED**. Within ten days of this Order, Plaintiff shall file his Amended Complaint.
2. “Defendants’ Rule 12(b)(6) Motion to Dismiss” (Doc. No. 7) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel and to the Honorable Frank D. Whitney

SO ORDERED.

Signed: March 4, 2024


Susan C. Rodriguez
United States Magistrate Judge

